

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the Accusation
Against**

Gloria L. Jaucian, M.D.

**Physician's and Surgeon's
Certificate No. C42309**

Case No. 800-2017-031656

Respondent.

DECISION

The attached Stipulated Surrender of License and Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on

JUL 14 2020

IT IS SO ORDERED JUL 07 2020

MEDICAL BOARD OF CALIFORNIA

**By: 
William Prasifka
Executive Director**

1 XAVIER BECERRA
Attorney General of California
2 MATTHEW M. DAVIS
Supervising Deputy Attorney General
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8 *Attorneys for Complainant*

9
10 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 800-2017-031656

14 **GLORIA L. JAUCIAN, M.D.,**
15 **42 Luneta Ln.,**
Rancho Mission Viejo, CA 92694-1877
16 **Physician's and Surgeon's Certificate**
No. C 42309

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

17 Respondent.
18

19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. William Prasifka (Complainant) is the Executive Director of the Medical Board of
23 California (Board), acting solely in his official capacity. This action was brought by Christine J.
24 Lally (Complainant), the former Interim Executive Director of the Board, acting solely in her
25 official capacity. The Complainant is represented in this matter by Xavier Becerra, Attorney
26 General of the State of California, by Tessa L. Heunis, Deputy Attorney General.

27 2. Gloria L. Jaucian, M.D. (Respondent) is representing herself in this proceeding and
28 has chosen not to exercise her right to be represented by counsel.

3. On or about April 6, 1987, the Board issued Physician's and Surgeon's Certificate No. C 42309 to Gloria L. Jaucian, M.D. (Respondent). The Physician's and Surgeon's Certificate No. C 42309 was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2017-031656 and will expire on April 30, 2021, unless renewed.

JURISDICTION

4. On March 5, 2020, Accusation No. 800-2017-031656 was filed before the Board, and is currently pending against Respondent. A true and correct copy of Accusation No. 800-2017-031656 and all other statutorily required documents were properly served on Respondent on March 5, 2020. Respondent filed her Notice of Defense on or about May 5, 2020, indicating that she wished to surrender her license. A copy of Accusation No. 800-2017-031656 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and fully understands the charges and allegations in Accusation No. 800-2017-031656. Respondent also has carefully read, and fully understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 800-2017-031656, agrees that cause exists for discipline and hereby surrenders her Physician's and Surgeon's Certificate No. C 42309 for the Board's formal acceptance.

9. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Physician's and Surgeon's Certificate No. C 42309 without further process.

CONTINGENCY

10. Business and Professions Code section 2224, subdivision (b), provides, in pertinent part, that the Board “shall delegate to its executive director the authority to adopt a ... stipulation for surrender of a license.”

11. Respondent understands that, by signing this stipulation, she enables the Executive Director¹ of the Board to issue an order, on behalf of the Board, accepting the surrender of her Physician's and Surgeon's Certificate No. C 42309 without further notice to, or opportunity to be heard by, Respondent.

12. This Stipulated Surrender of License and Disciplinary Order shall be subject to the approval of the Executive Director on behalf of the Board. The parties agree that this Stipulated Surrender of License and Disciplinary Order shall be submitted to the Executive Director for her consideration in the above-entitled matter and, further, that the Executive Director shall have a reasonable period of time in which to consider and act on this Stipulated Surrender of License and Disciplinary Order after receiving it. By signing this stipulation, Respondent fully understands and agrees that she may not withdraw her agreement or seek to rescind this stipulation prior to the time the Executive Director, on behalf of the Medical Board, considers and acts upon it.

13. The parties agree that this Stipulated Surrender of License and Disciplinary Order shall be null and void and not binding upon the parties unless approved and adopted by the Executive Director on behalf of the Board, except for this paragraph, which shall remain in full force and effect. Respondent fully understands and agrees that in deciding whether or not to approve and adopt this Stipulated Surrender of License and Disciplinary Order, the Executive Director and/or the Board may receive oral and written communications from its staff and/or the Attorney General's Office. Communications pursuant to this paragraph shall not disqualify the Executive Director, the Board, any member thereof, and/or any other person from future

¹ All references to the Executive Director include the Interim Executive Director.

1 participation in this or any other matter affecting or involving respondent. In the event that the
2 Executive Director on behalf of the Board does not, in her discretion, approve and adopt this
3 Stipulated Surrender of License and Disciplinary Order, with the exception of this paragraph, it
4 shall not become effective, shall be of no evidentiary value whatsoever, and shall not be relied
5 upon or introduced in any disciplinary action by either party hereto. Respondent further agrees
6 that should this Stipulated Surrender of License and Disciplinary Order be rejected for any reason
7 by the Executive Director on behalf of the Board, Respondent will assert no claim that the
8 Executive Director, the Board, or any member thereof, was prejudiced by its/his/her review,
9 discussion and/or consideration of this Stipulated Surrender of License and Disciplinary Order or
10 of any matter or matters related hereto.

11 ADDITIONAL PROVISIONS

12 14. This Stipulated Surrender of License and Disciplinary Order is intended by the parties
13 herein to be an integrated writing representing the complete, final and exclusive embodiment of the
14 agreements of the parties in the above-entitled matter.

15 15. The parties agree that copies of this Stipulated Surrender of License and Disciplinary
16 Order, including copies of the signatures of the parties, may be used in lieu of original documents
17 and signatures and, further, that such copies shall have the same force and effect as originals.

18 16. In consideration of the foregoing admissions and stipulations, the parties agree the
19 Executive Director of the Board may, without further notice to or opportunity to be heard by
20 Respondent, issue and enter the following Disciplinary Order on behalf of the Board:

21 ORDER

22 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. C 42309, issued
23 to Respondent Gloria L. Jaucian, M.D., is surrendered and accepted by the Board.

24 1. The surrender of Respondent's Physician's and Surgeon's Certificate No. C 42309
25 and the acceptance of the surrendered license by the Board shall constitute the imposition of
26 discipline against Respondent. This stipulation constitutes a record of the discipline and shall
27 become a part of Respondent's license history with the Board.

28 ////

2. Respondent shall lose all rights and privileges as a Physician and Surgeon in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board her pocket license and, if one was issued, her wall certificate on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked or surrendered license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 800-2017-031656 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 800-2017-031656 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I fully understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate No. C 42309. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED:

06-N-2020

GLORIA L. JAUCIAN, M.D.
Respondent

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ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Medical Board of California of the Department of Consumer Affairs.

DATED: 6/17/2020

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
MATTHEW M. DAVIS
Supervising Deputy Attorney General



TESSA L. HEUNIS
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Accusation No. 800-2017-031656

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10 BEFORE THE
11 MEDICAL BOARD OF CALIFORNIA
12 DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

13 In the Matter of the Accusation Against:

Case No. 800-2017-031656

14 Gloria L. Jaucian, M.D.
15 74 Puesto Road,
Rancho Mission Viejo, CA 92694

A C C U S A T I O N

16 Physician's and Surgeon's Certificate
17 No. C 42309,

Respondent.

19
20 PARTIES

21 1. Christine J. Lally (Complainant) brings this Accusation solely in her official capacity
22 as the Interim Executive Director of the Medical Board of California, Department of Consumer
23 Affairs (Board).

24 2. On or about April 6, 1987, the Board issued Physician's and Surgeon's Certificate
25 No. C 42309 to Gloria L. Jaucian, M.D. (Respondent). The Physician's and Surgeon's Certificate
26 was in full force and effect at all times relevant to the charges brought herein and will expire on
27 April 30, 2021, unless renewed.

28 ////

JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2227 of the Code states:

(a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary action with the board, may, in accordance with the provisions of this chapter:

(1) Have his or her license revoked upon order of the board.

(2) Have his or her right to practice suspended for a period not to exceed one year upon order of the board.

(3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the board.

(4) Be publicly reprimanded by the board. The public reprimand may include a requirement that the licensee complete relevant educational courses approved by the board.

(5) Have any other action taken in relation to discipline as part of an order of probation, as the board or an administrative law judge may deem proper.

(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical review or advisory conferences, professional competency examinations, continuing education activities, and cost reimbursement associated therewith that are agreed to with the board and successfully completed by the licensee, or other matters made confidential or privileged by existing law, is deemed public, and shall be made available to the public by the board pursuant to Section 803.1.

5. Section 2234 of the Code, states:

The board shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter.

(b) Gross negligence.

(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or omissions. An initial negligent act or omission followed by a separate and distinct departure from the applicable standard of care shall constitute repeated negligent acts.

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1 (1) An initial negligent diagnosis followed by an act or omission medically
2 appropriate for that negligent diagnosis of the patient shall constitute a single
negligent act.

3 (2) When the standard of care requires a change in the diagnosis, act, or
4 omission that constitutes the negligent act described in paragraph (1), including, but
5 not limited to, a reevaluation of the diagnosis or a change in treatment, and the
licensee's conduct departs from the applicable standard of care, each departure
constitutes a separate and distinct breach of the standard of care.

6

7 FIRST CAUSE FOR DISCIPLINE

8 (Gross Negligence)

9 6. Respondent Gloria L. Jaucian, M.D. has subjected her Physician's and Surgeon's
10 Certificate No. C 42309 to disciplinary action under section 2234, subdivision (b), of the Code in
11 that she committed gross negligence. The circumstances are as follows:

12 *Patient A*

13 7. On or about December 8, 2015, "Patient A,"¹ at the time a twenty-five-year-old at
14 approximately 38 weeks gestation, presented to Respondent's medical office at Mission Hospital
15 Regional Medical Center (Mission) in or around Mission Viejo, California, complaining of
16 vaginal bleeding, and abdominal pain and tenderness.

17 8. Respondent's office examination of Patient A yielded findings including, but not
18 limited to, dark vaginal bleeding, with the cervix dilated one centimeter and fifty percent effaced.
19 The abdomen was soft with the uterus non-tender. There was moderate tenderness in both lower
20 quadrants without rebound. Fetal heart tones could not be found.

21 9. At or about 11:05 a.m., Respondent walked Patient A to Mission's Labor and
22 Delivery Unit for in-patient admission.

23 10. At or about 11:32 a.m., Respondent and another physician confirmed the absence of
24 a fetal heart beat by ultrasound and a diagnosis of fetal demise.

25
26 ¹ Pseudonyms are used in place of patients' actual names throughout this Accusation to
27 preserve the patients' privacy. The identity of any such patient is known to Respondent or will be
28 disclosed to Respondent following Complainant's receipt of a duly-issued request for discovery
from Respondent.

1 11. A history and physical note in Patient A's chart documents "strongly considering
2 abruptio placenta.² Fetal Demise (no fetal heart tones/confirmed by bedside ultrasound) Plan:
3 Primary cesarean section for abruptio placenta in consideration."

4 12. At or about 11:46 a.m., a nurse documented observing a small amount of blood on
5 Patient A's underwear but no active bleeding.

6 13. At or about 12:24 p.m., Respondent commenced a cesarean section on Patient A.
7 Patient A delivered a stillborn infant by cesarean section at approximately 12:31 p.m.

8 14. A subsequent placental pathology report documented no evidence of abruption, with
9 no hematomata or hemorrhage.

10 15. Respondent committed gross negligence in her care and treatment of Patient A
11 including, but not limited to, performing a cesarean section on Patient A following fetal demise.

12 *Patient B*

13 16. On or about November 30, 2015, "Patient B," at the time a nineteen-year-old
14 pregnant female patient at thirteen weeks gestation, presented to Mission's Emergency
15 Department complaining of right lower quadrant pain associated with dysuria, nausea, vomiting
16 and low back pain. She denied any fever or chills.

17 17. Mission medical records for Patient B's visit on or about November 30, 2015,
18 documented findings including, but not limited to, right-sided tenderness, fetal heartrates in the
19 160 beats-per-minute (bpm) range, an elevated white blood cell count, and a urinalysis positive
20 for leukocytes, protein and blood. Patient B was diagnosed with a urinary tract infection (UTI)
21 and discharged with a prescription for a seven-day course of Keflex (a brand name for the
22 antibiotic cephalexin) and instructions to follow up with her obstetrician.

23 18. On or about February 2, 2016, Patient B presented at 24 weeks gestation to the
24 emergency department at Mission, from where she was transferred to labor and delivery.
25 Respondent was the on-duty laborist at Mission and provided care and treatment to Patient B.

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27 _____
28 ² Abruptio placenta refers to a condition where the placenta detaches and hemorrhage
ensues.

1 19. Respondent documented complaints including, but not limited to, left flank pains for
2 four days, "[g]rade 7-9/10 similar to when she had UTI in Nov 2015," with nausea and vomiting.
3 Respondent documented a history of UTI in November 2015 for which antibiotics were
4 prescribed. Fetal monitoring records in Patient B's chart demonstrate only sporadic heart tones
5 that include readings at 180 or tachycardia potentially indicative of infection.

6 20. Patient B's medical chart for February 2, 2016, reflects no urinalysis or any other
7 testing of Patient B's urine or blood. No antibiotics were prescribed for Patient B.

8 21. Respondent discharged Patient B approximately 30 minutes after admission to the
9 labor and delivery ward.

10 22. On or about February 5, 2016, Patient B presented to Mission complaining of
11 continuing or worsening left flank pain, fever, elevated heart rate and chills.

12 23. On or about February 5, 2016, Patient B was diagnosed with pyelonephritis due to
13 E. coli, susceptible to all antibiotics, and sepsis. Following a course of treatment including, but
14 not limited to, intravenous antibiotics and fluid resuscitation, Patient B was discharged on
15 February 7, 2016, with prescriptions for one or more antibiotics.

16 24. Respondent committed gross negligence in her care and treatment of Patient B
17 including, but not limited to, her failure to appropriately evaluate and treat a suspected UTI in a
18 pregnant patient with a history of a prior UTI for which antibiotics had been prescribed.

19 SECOND CAUSE FOR DISCIPLINE

20 (Repeated Negligent Acts)

21 25. Respondent Gloria L. Jaucian, M.D. has further subjected her Physician's and
22 Surgeon's Certificate No. C 42309 to disciplinary action under section 2234, subdivision (c), of
23 the Code in that she committed repeated negligent acts as more particularly alleged in
24 paragraphs 6 to 24, above, which are hereby incorporated by reference as if fully set forth herein.

25 THIRD CAUSE FOR DISCIPLINE

26 (Violation of the Medical Practice Act)

27 26. Respondent Gloria L. Jaucian, M.D. has further subjected her Physician's and
28 Surgeon's Certificate No. C 42309 to disciplinary action under section 2234, subdivision (a), of

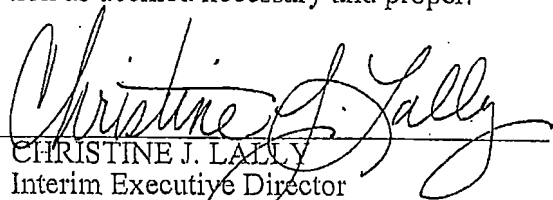
1 the Code in that she violated or attempted to violate, directly or indirectly, assisted in or abetted
2 the violation of, or conspired to violate any provision of the Medical Practice Act as more
3 particularly alleged in paragraphs 6 to 25, above, which are hereby incorporated by reference as if
4 fully set forth herein.

5 PRAYER

6 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
7 and that following the hearing, the Medical Board of California issue a decision:

- 8 1. Revoking or suspending Physician's and Surgeon's Certificate Number C 42309,
9 issued to Respondent Gloria L. Jaucian, M.D.;
- 10 2. Revoking, suspending or denying approval of Respondent Gloria L. Jaucian, M.D.'s
11 authority to supervise physician assistants and advanced practice nurses;
- 12 3. Ordering Respondent Gloria L. Jaucian, M.D., if placed on probation, to pay the
13 Board the costs of probation monitoring; and
- 14 4. Taking such other and further action as deemed necessary and proper.

15
16 DATED: MAR 05 2020

17 
18 CHRISTINE J. LALLY
19 Interim Executive Director
20 Medical Board of California
21 Department of Consumer Affairs
22 State of California
23 Complainant
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